

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 05-10067-PBS
	)	
TALMUS R. TAYLOR	)	
_____	)	

DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS

In supplementation of Defendant's Proposed Jury Instructions previously submitted, defendant requests that the court give the following additional instructions:

7. CIRCUMSTANTIAL EVIDENCE

If the Government's case is based solely on circumstantial evidence, you may find the defendant guilty only if those circumstances are conclusive enough to leave you with a clear and settled belief that the defendant is guilty and that there is no other reasonable theory or explanation. The evidence must not only be consistent with the defendant's guilt, it must be inconsistent with his innocence.

8. LACK OF MOTIVE

While it is not incumbent upon the government to prove defendant's motive, you may consider lack of motive as a circumstance in this case bearing on Mr. Taylor's state of mind, i.e. whether he acted willfully. Presence of motive may suggest guilt. Absence of motive may

suggest innocence. You should give the presence or absence of motive, as the case may be, the weight you believe it deserves. *United States v. Richmond*, 700 F.2d 1183, 1195 (8th Cir. 1983); *United States v. Dreyfus*, 528 F.2d 1064, 1070 (5th Cir. 1976)

Dated: March 26, 2006

By his attorney,

/s/ Bruce T. Macdonald

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